

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 3/17/06

McKESSON CORPORATION and
HBO & COMPANY, INC.,

Plaintiffs,

vs.

ARTHUR ANDERSEN LLP and
ROBERT A. PUTNAM, and DOES 1-
20,

Defendants.

CASE NO.: C-05-04020 RMW (PVT)

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE: (1) CONSOLIDATED
BRIEFING ON MOTIONS TO DISMISS;
(2) BRIEFING AND HEARING
SCHEDULE; AND (3) CHANGING
DATE FOR CASE MANAGEMENT
CONFERENCE**

The Honorable Ronald Whyte

WHEREAS, on August 11, 2005, Plaintiffs McKesson Corporation and HBO & Company, Inc. (collectively, "Plaintiffs") filed a Complaint against Defendants Arthur Andersen LLP ("Andersen") and Robert A. Putnam ("Putnam" and together with Andersen and Plaintiffs, the "Parties");

Consolidated Briefing On Motion to Dismiss / Page Limitations

WHEREAS, Defendants Andersen and Putnam are required to respond to the Complaint by March 2, 2006, and both Andersen and Putnam intend to file, among other things, motions to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure;

WHEREAS, the Parties believe that filing one consolidated motion to

1 dismiss and one consolidated opposition would streamline the briefing and reduce
2 needless repetition of arguments for the convenience of the Parties and the Court;

3 WHEREAS, in light of the complexity of the factual and legal issues that
4 are raised by the Complaint and will be raised in the motions to dismiss, the Parties
5 believe that each of them will require more pages adequately to brief the issues than are
6 permitted by the local rules;

7 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, by and
8 between the Parties that the following page limitations should apply for the consolidated
9 briefs:

- 10 (a) Andersen and Putnam shall file a consolidated motion to
11 dismiss not to exceed forty (40) pages;
12 (b) McKesson and HBOC shall file a consolidated opposition not
13 to exceed forty (40) pages; and
14 (c) Andersen and Putnam shall file a consolidated reply not to
15 exceed twenty-five (25) pages;

16 **Briefing And Hearing Schedule For Motion To Dismiss**

17 WHEREAS, in light of the complexity of the factual and legal issues raised
18 by the Complaint, and in an effort to accommodate the schedules of counsel for each of
19 the Parties, the Parties have agreed to a modified briefing and hearing schedule;

20 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, by and
21 between the Parties that:

- 22 (a) McKesson and HBOC shall file their consolidated opposition
23 to the motion to dismiss on or before April 7, 2006;
24 (b) Andersen and Putnam shall file a consolidated reply on or
25 before April 28, 2006; and
26 (c) The Hearing shall be held on May 12, 2006 at 9:00 a.m.

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Changing Date Of Case Management Conference

WHEREAS, by order, entered on December 28, 2005, the Court scheduled a Case Management Conference for June 9, 2006 at 10:30 a.m.;

WHEREAS, lead counsel for Andersen will be out of the country and not available to attend the Case Management Conference on June 9, 2006;

WHEREAS, the Parties have met and conferred and believe that good cause exists to continue the date set for the case management conference for one week from June 9, 2006 to June 16, 2006 at 10:30 a.m.;

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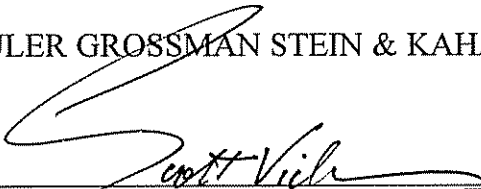
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1 ACCORDINGLY, in the interest of furthering judicial economy and for the
2 convenience of counsel, the Parties HEREBY STIPULATE and jointly request that the
3 Court continue the Case Management Conference previously set for June 9, 2006 at 10:30
4 a.m. to June 16, 2003 at 10:30 a.m.

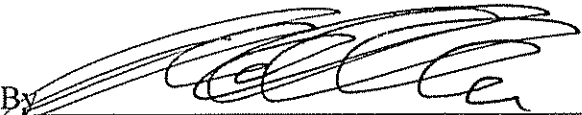
5 DATED: February 22, 2006 LAW OFFICES OF STEVEN J. ROSENBERG, P.C.

6
7 By 
8 Steven J. Rosenberg
9 Attorneys for Specially Appearing Defendant
10 ROBERT A. PUTNAM

11 DATED: February ²⁴~~22~~, 2006 ALSCHULER GROSSMAN STEIN & KAHAN LLP

12
13 By 
14 Scott Vick
15 Attorneys for Defendant
16 ARTHUR ANDERSEN LLP

17 DATED: February ²⁴~~22~~, 2006 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

18
19 By 
20 Timothy Miller
21 Attorneys for Plaintiffs
22 McKESSON CORPORATION and HBO &
23 COMPANY, INC.

24 **ORDER**

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: March
27 ~~February~~ 14, 2006

28 /s/ Ronald M. Whyte
The Honorable Ronald M. Whyte
United States District Judge